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ABSTRACT

The report analyzes law-related education programs and materials developed during the period 1968-78. Specifically, it examines program motivations, assumptions, project development, and the relationship of law-related education to civic education. Law-related education is seen to include the study of the role of law in society, the legal processes, and the legal system. Three hypotheses form the framework for the report. The first hypothesis is that motivation for law-related and civic education arises from the belief that anti-social behavior of Americans is due, at least in part, to ineffectual educational programs. The second hypothesis is that the philosophical basis of any law-related education project will influence the behavior students exhibit as a result of participating in the course or project. The third hypothesis is that the motivation and philosophical basis of program developers will be reflected in the instructional materials. The following materials, selected from among approximately 300 projects, were examined in light of the hypotheses: "Justice in America Series," Law in America Society Foundation, 1970; "Bill of Rights Newsletter" and "Living Law," Constitutional Rights Foundation, 1973 and 1978; "Justice and Order Through Law" and "American Legal System," Cornell Law Project, 1974; "Street Law," National Street Law Institute, 1975; and "Law in a Free Society," Law in a Free Society, 1974-76. Findings did not support the first two hypotheses but did support the third hypothesis. (Author/DB)

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# LAW-RELATED EDUCATION:

# TRENDS AND DEVELOPMENT

by

Rosemary V. Miller
and
Susan M. Darnley

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"What a subject is this in which we are united — this abstraction called the Law, wherein, as in a magic mirror, we see reflected, not only our own lives, but the lives of all men...disclosing every painful step and every world-shaking contest by which mankind has worked and fought its way from savage isolation to organic social life."

Oliver Wendell Holmes

Law-related education has grown rapidly in the past decade. The present researchers have been unable to locate any source that attempts to gather the threads of law-related education into a comprehensive whole. The National Council for the Social Studies (NCSS)[1] has devoted two issues of its national magazine to law-related education, but these follow a multi-article approach by different individual contributors and range from strong statements supporting law-related education to reviews of the materials available. The American Bar Association (ABA)'s Special Committee on Youth Education for Citizenship (YEFC) has produced numerous guides on the subject of law-related education.[2] Because YEFC's goal is to serve as a national clearinghouse and coordinator of all aspects of law-related education, the organization tends to report, rather than evaluate and compare. The goal of this paper is to supply a comparative summary of law-related education that delves into the motivations, the assumptions, and the relationship of law-related education to the rebirth of civic education.

Simply stated, the focus of this paper is to answer the "why", the "what" and the "how" of law-related education. These questions lead logically from one to the next. Answering the question why various groups, both public and private, became involved in law-related education leads naturally into the second question, what are the expected outcomes of this

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[1] Social Education, XLI (March 1977) and XXXVII (May 1973).

[2] American Bar Association, Special Committee on Youth Education for Citizenship, 1155 East 60th St, Chicago, Illinois 60637, has guides on the future of law-related education, funding, teacher education, curriculum materials, games and simulations, audio-visual materials and law projects. They can be purchased through the above address.

endeavor. The "what" includes the philosophy or theoretical positions of the various groups and individuals involved. The third question is to examine how well the developed law-related education materials reflect the motivating forces of the promoters[3] and their desired student outcomes.

The researchers decided on the use of a set of hypotheses to give structure to the questions outlined above. Although bordering on the trite and obvious, the decision was made to retain them in the written report as they provide focus for all concerned. The three hypotheses are:

WHY: There is a common underlying motivation behind the thrust for law-related education.

WHAT: There is a common philosophical or theoretical basis that predetermines the student outcome.

HOW: Curriculum materials of law-related education reflect the motivations and philosophical position of their promoters.

Law-related education is defined by the researchers as the study of the role of law in our society, the legal processes, and the legal system. Material examined in this area date from 1968 to the present.

The scope will stay within law-related education and will deal with the larger issue of civic education only as it is related to law education. Since there is an intimate connection between the two in terms of occurrence and some basic assumptions, clarification of the relationship appears to be in order. At present there are numerous efforts throughout the nation to revitalize civic education. The National

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[3]Promoters encompasses all persons and organizations that support law-related education verbally, financially, or in actual development of materials.

Council for the Social Studies devoted its 1977 annual meeting to this subject and as a direct result published Building Rationales for Citizenship.[4] Two regional conferences of the same organization are also holding meetings in 1978 on citizenship education. The Federal Office of Education sponsored a national conference on citizenship education in October 1976, the American Bar Association continues to hold regional conferences on civic education, and a new national organization, Alliance for Citizenship, was formed in Philadelphia in 1977.[5] Fred Newmann describes the present concern with civic education as having a sense of urgency about it.[6]

Promotion of law-related education is occurring simultaneously with the civic education revival. Two law-related education organizations, Law in A Free Society and the Constitutional Rights Foundations, are sponsoring a fall, 1978 meeting on civic education.[7] Both the promoters of civic education and law-related education tend to assume the present efforts in schools are failures and that revitalization of civic education in our nation's schools is a pressing need. Newmann describe law-related education as one of eight possible approaches to civic education. He defines law-related education as a means of preserving and making more just the rule of law in a democratic society, and not a general search for truth and understanding.[8]

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[4] James P. Shaver, (ed.), Building Rationales for Citizenship Education. (Washington,D.C.: National Council for the Social Studies, 1977).

[5] See Charles J. White,III, Law-Related Education in America. (Chicago: ABA'sYEFC, 1975) and Citizen Education Bulletin, (Philadelphia: National Alliance for Citizen Education, 1977).

[6] Fred M. Newmann "Building a Rationale for Civic Education," Building Rationales for Citizenship. ed. James P. Shaver, (Washington,D.C.: National Council for the Social Studies, 1977), p.3.

[7] Brochure advertising conference. Write Law In A Free Society, 606 Wilshire Suite 600, Santa Monica, Calif. 90401 for information.

[8] Newmann, pp.4-5. Seven other approaches are academic disciplines, social problems, critical thinking, values clarification, moral development, community involvement, and institutional school reform.

The following procedure was used by the researchers. An Educational Resources Information Center (ERIC) search of published works on law-related education furnished numerous listings that were investigated.[9] Major law-related projects and concerned government agencies were contacted by letter. The published materials of major projects were obtained and analyzed.

THE "WHY" QUESTION

Investigating why these various groups and/or individuals have become involved in the promotion of law-related education has led to four broad causative factors: (1) the anti-social behaviour of American citizens, (2) the failure of present civics programs in the schools, (3) the revitalization of civic education, and (4) the need for a process-oriented citizens.

Many of the promoters of law-related education give more than one reason why they are involved in this endeavour. By examining the sources of funding and more than one writer from a given group or organization, it has been possible to identify one cause as most salient to the group's involvement.

When analyzing the "anti-social behaviour" of Americans as a reason for initiating law-related education in the schools, all roads ultimately lead to the Federal Law Enforcement Assistance Agency (LEAA). Between 1970 and 1974 LEAA released five million dollars in at least ninety-nine grants to law-related education projects.[10] LEAA's role in law-related can be more clearly understood by the inclusion of two quotes from the

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[9] ERIC search request 575, (Anne Arundel County Public Schools, (Annapolis, 11/9/77).

[10] Charles J. White, III, Law-Related Education in America. (Chicago: ABA's YEFC, 1975), p.13.

federal law establishing LEAA and its functions:

> "Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better co-ordinated, intensified, and made more effective at all levels of government.
>
> Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comphrehensive action by the Federal Government to reduce and prevent delinquency."

Congress has clearly recognized by law that the anti-social acts of adults and particularly of juveniles constitute a national problem. The law goes on to state that although this behaviour is nationwide it is essentially a local problem, that must be dealt with by state and local governments if it is to be controlled effectively. LEAA's role, as mandated specifically by Congress, is to promote financially programs in the states aimed at prevention and reduction of crime. LEAA funds for law-related education are channeled primarily through special commissions on crime and law-enforcement established within the executive branch of the various state governments, with additional monies being available through LEAA's national discretionary grants.

LEAA wields much of its power through its discretion in granting funds. Projects wishing to receive grants must submit the objectives for their proposed program. The reason most given by LEAA for turning down a request for funding is incompatibility of the objectives of a

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[11] Omnibus Crime Control and Safe Streets Act and amendments. U.S. 90-351, Title I (1968).

program with the objectives of LEAA.[12] The more a program attempts to curb anti-social behaviour the better the chances of receiving LEAA funding, thus most projects are concentrating on crime and delinquency to the neglect of other areas of law.[13]

An example is the Maryland Law-Related Education Project. The Maryland program, heavily funded in 1975 by the Maryland Governor's Commission on Law Enforcement and the Administration of Justice (the state LEAA agency),[14] reflects a strong anti-social behaviour preventive rationale. In "The Statement of the Problem", Maryland promoters use rising crime statistics and comments by LEAA administrator, Donald Santarelli, on the need for the school and legal profession to work for "...normalization of behavior."[15] The 1978 Annual Report of the Governor's Commission addresses the need for law education. Fingering the schools for contributing to the rising delinquency rate by its rigid and irrelevant course offerings, and by the school's disinterest in dealing with the delinquent-prone adolescent, the report emphasizes the role the school must play to curb anti-social behaviour.[16] Gerald Paradis, director of law-related education in Maryland, concedes that Maryland's major thrust has been aimed at anti-social behaviour, but

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[12] Robert A. Mayer, "What Will A Foundation Look for When You Submit a Grant Proposal?", The $$ Game. ed. Charles White, (Chicago: ABA'sYEFC. 1975), p. 32.

[13] U.S. Office of Education, Summary and Outline of Proposed Conclusions, Study Group on Law-Related Education, April 1978, p. 6.

[14] Donald P. Vetter, and Gerald W. Paradis, "Maryland Model for an Eight Step Teacher Education Program," Teaching Teachers About Law, ed. Charles J. White,III. (Chicago: ABA's YEFC, 1976), p. 173. Grant from state LEAA was $69,603 while Maryland State Department of Education contributed $8,620, and Maryland Bar Association contributed $5,000.

[15] "Statement of the Problem,"Law Education Program for the Schools of Maryland, (Westminster (1976)).

[16] Maryland Governor's Commission on Law Enforcement and the Administration of Justice, 1978 Annual Report, (Cockeysville, 1978) pp.236-7.

attempts have and are being made to broaden the scope of the program.[17]

As pointed out in the introduction to this section the major reason some groups or organizations became involved in law-related education is difficult to identify. The American Bar Association is such an organization. Under Leon Jaworski's Presidency of ABA, the organization in 1971 established YEFC. ABA's mandate to YEFC was "to foster and further high quality programs for the teaching of the legal processes in America's primary and secondary schools."[18] The Special Committee was to serve as a national clearing-house of information about law-related education, and a source of assistance to projects across the country.[19]

The difficulty encountered in assessing why ABA became involved was that there appears to be a shift in emphasis from 1973 to 1975. In 1973 YEFC publications had at least five goals of law-related education, and the emphasis of anti-social behaviour or crime was insignificant compared to the emphasis on skills necessary for development of citizenship.[20] By 1975, the reasons for involvement in law-related education by YEFC had been reduced to three objectives, with one clearly now being the reduction of anti-social behaviour. The thrust for civic education took on new terminology, now being listed under the subtitle "Restoration of Confidence and Encouragement of Responsible Political Participation" (Emphasis is ours).[21] This shift in YEFC's emphasis for promoting law-related education can be attributed to two reasons. First, the earlier

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[17] Letter from Gerald W. Paradis, Director, Law Education Program for the Schools of Maryland, Westminister, May 1978.

[18] White Law-Related Education in America, p. 71

[19] Ibid. p.72.

[20] See Joel F. Henning, "Law-Related Education: The Opportunity and the Challenge," Help! What To Do, Where to Go. ed. Norman Gross (Chicago: ABA's YEFC, 1973) pp.5-7 and Earl F. Morris, "Developing Law-Related Studies: The Roles of Educators and Lawyers," Reflections on Law-Related Education. ed. Susan Davison (Chicago: ABA's YEFC, 1973) pp.2-3.

[21] White, Law-Related Education in America, pp. 1-6.

writers pre-dated the full blown ramifications of Watergate. Secondly, the 1975 publication was the product of a LEAA discretionary grant.

In conclusion, if earlier YEFC statements were to be relied on, the organizations reason for involvement in law-related education would be to improve civic education. The terminology of the 1975 guidelines, however, give equal emphasis to crime and anti-social behaviour. The following comes from the latter publication: "...empirical evidence as well as common sense suggest that education which enables young people to understand and deal with the system lawfully will lead to a decline in apathy, anger, and anti-social conduct."[22]

The ABA, as well as others, are motivated to promote law-related education as an antedote to the failure of the traditional civics program. The old civics program is seen as regurgitation of knowledge with little, if any, particiaption on the part of students. A research group that supports the need for reform in traditional programs is the National Assessment of Educational Progress (NAEP). The NAEP found that during the first half of the 1970's, U.S. teenagers: (1) showed decline in their knowledge of the structure and function of government, (2) lost ground in their understanding of and willingness to participate in the political process, (3) mixed successes with declines in recognizning and valuing constitutional rights. The only encouraging part of the report was that some of these same young people gained in showing respect for the poor, for people of other races, in understanding the need for law in a democratic society, and in describing ways to avoid future wars.[23]

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[22] White, Law-Related Education in America, p. 3

[23] National Assessment of Education, "Bulletin" (Denver, February 2, 1978).

The declines reported by NAEP have occurred even though every state requires some form of civic education. Charles Quigley of Law in a Free Society points that evidence supports that effective civic education programs are the exception rather than the rule. He feels existing programs fail to provide a systematic and comprehensive program that should be integrated into Social Studies programs, grades K through 12. Instead, what usually happens is isolated treatment in the fifth grade, and at most, two courses at the secondary level.[24] David Naylor, Executive Director for Law-Related Education at the University of Cinncinnati, claims the older programs have stressed a blind acceptance of the law through avoidance of controversy and inquiry, encouraging little more than the memorization of basic documents and the names of land-mark Supreme Court decisions.[25] YEFC cites further evidence to support that civic education courses as they have and do exist are failures:

> "Studies conducted in the 1960's by Langton and Jennings, Jess and Torney, Qussialas, Smith and Patrick, and Shaver demostrate that Civics students are alienated both by the method of learning -read and regurgitate- and by the content - platitudes, blind optimism, chauvinism, and descriptions of what should be rather then what is. The courses do not increase the student's ability to analyze political and legal phenomena. They have little impact at the time and virtually none afterwards. The most lasting effect may well be an increase in the student's cynicism and alienation."[26]

According to the promoters, law-related education either embedded into existing curriculum or added as special courses at the secondary level, could reverse the trends and problems of the traditional civics programs. Law is seen as the hub of the wheel, affecting daily life in

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[24] Charles N. Quigley, "Law in a Free Society," Synergy II (Fall 1977), p.27.

[25] David Naylor, "Law Related Education: An Overview", Synergy II (Fall 1977) p. 5

[26] White, Law-Related Education in America, p. 1.

numerous ways. Law is meant to be facilitative more than prohibitive and puntive. The role of law is to help society function in an ever increasing civilized manner.[27] In addition to these claims, law is also seen as highly relevant and interesting. John C. Pittenger states law is "intrinsically interesting". The assumption is that an interested student will become involved in the curriculum.[28]

One of the first law-related education projects that condemned the old civics program and saw law as the tool for revitalizing old approaches was initiated by the Law in American Society Foundation. Growing out of funds provided by Title I of the Elementary and Secondary Education Act of 1965, the project included both lawyers from the Chicago Bar Association and educators form the Chicago area.

The main thrust for the development of this program was concern over urban problems in America. Urban crisis was seen as the most pressing problem facing America. Included under urban crisis was the flight of the middle class to the suburbs, rising crime rates, alienation of both urban and suburban citizens form the city, deteriorating neighborhoods, pollution and inadequacy of educational and transportational facilities. The belief of the creators of this projects was that the understanding of the urban experience by all citizens is essential for the future of America. The creators felt law was seen as an oppressor, and that the average citizen lacked practical knowledge of the machinery of law. Thus both the city dweller and the suburbanite developed feelings of futility and apathy. By providing the student with a study of the legal

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[27]For this view of law, see Freund, Naylor, Radcliffe, and Summers in bibliography.

[28]John C. Pittenger, "The Spirit of Liberty and the Classrooms of Pennsylvania," Reflections on Law-Related Education. ed. Susan Davison, (Chicago: ABA's YEFC, 1973), p. 6. See Freund,Maxwell,Et al. in bibliography for same point of view.

process, the student would: (1) come to see law as a resolver of conflict, (2) acquire knowledge to help the student understand his rights and resist injustice to himself and to others, (3) to develop confidence in a democratic society by understanding his unique position to control his own destiny and that of his society.[29]

A project developed later, the Cornell Law Project, was reacting against the law-related education materials of the 1950's and 1960's for being too narrow to solve the problems of the civics programs. The Cornell Law Project developed the Ginn series, which consists of a Junior High and Senior High series. The creators of the series saw the earlier materials falling into four categories: (1) Bill of Rights approach, (2) Consumer law that was more a refinement of a business law course, (3) law and order approach that focused on criminal law, and (4) public issues approach that concentrated on comtemporary social problems. Though each approach had merit, the creators of the Cornell Law Project felt that each had neglected to "provide systematic and comprehensive analysis of the role of law as a social institution in American society!"[30] The broad scope of law, law's persuasive role in the social order, what law is, what are its social functions, how does it work, and what are law's limitations, could be presented without sacrificing the intent of the earlier projects. More importantly, the creators of the Cornell Law Project were not attempting to teach substantive law, but were concerned with developing the student's thought processes. By using a variety of intellectual approaches, the student

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[29]Robert H. Radcliffe, ed. Justice in America, Teacher's Guide. (Boston: Houghton-Mifflin Co.,1974), pp.1-3.

[30]Robert S. Summers, Et al., American Legal System, Teacher's Guide, (Lexington: Ginn and Co., 1974), pp.1-2.

would be more equipped to be a "social orderer".[31] Thus, this broader jurisprudential approach would give the student a better overview of the place of law in a society, and his own role in its functioning.

Closely allied with the failure of traditional civics programs is the broader goal of promoting civic education. Law in a Free Society, now a national project, had its origins within this context. The project is a direct outgrowth of an earlier project at the University of California, Los Angeles (UCLA), called the Committee on Civic Education, which existed from 1964 to 1970. This earlier project focused on the need for reform in civic education and development of a K-12 approach. Involvement of the California Bar Association in the late 1960's turned this civic education committee into the Law in a Free Soceity Project, which utilizes the same Executive Director and many of the same resources and staff. This latter project has been endowed by the National Endowment for the Humanities and the Danforth Foundation, with additional grants from LEAA and the California Counsel on Criminal Justice. The organization continued with the same philosophical base that civic education is essential to the survival of a constitutional democracy.[32] This will be discussed in more detail in the second section on "what". In responding to an inquiry for a single sentence as to why Law in a Free Society Project came into exisience and was continuing, Jack Hoar, Field Director, wrote, "...our primary goal is to reverse the declines

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[31] Robert S. Summers, Et al., Fact Sheet on the Cornell Law Program (Lexington: Ginn and Co., November 22, 1972), p.3

[32] Quigley, p. 26.

reported in teenagers' political knowledge and attitudes as reported by the National Assessment of Education Progress."[33]

A second organization that falls within the same context as LFS is the Constitutional Rights Foundation (CRF). Established in 1963 as a private, non-profit organization, the CRF advocates and is working towards law and citizenship education of America's young people. The Foundation takes the position that the apathy of American youth toward law and government can be reversed through educational programs designed to regenerate their interest in society and support for American values.[34]

The fourth area for why promote law-related education, labeled here as creating process-oriented persons, has a different aspect to it than the previous three causative factors. The concern here is the ability of young people to be able to function in our ever changing and complex, technological society. This concern does not imply that the proponents of the process-oriented person ignore the previous three factors; indeed, they agree with many of the points, but they go beyond correcting anti-social behaviour or creating more active citizenry. Further, they disagree with the assumption that knowledge and understanding alone will enable young people to function better; rather knowledge and understanding are mastered as a natural part of becoming a process-oriented person.

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[33]Letter from Jack N. Hoar, Field Director, Law in a Free Society, Santa Monica, May 25, 1978.

[34]Todd Clark, "Law in Action, The Program of the Constitutional Rights Foundation," Synergy II (Fall,977), p33.

Although agreeing with the desired outcome of process-oriented persons, there appears to be a lack of unanimity on what method leads to this outcome. Newmann refers to the use of "critical thinking",[35] YEFC uses the term "analytical skills",[36] Isidore Starr refers to the method as "inquiry" or "critical thinking", or "reflective thinking",[37] Quigley talks in terms of reasoning deeply, developing and applying higher levels of cognitive skills,[38] and Summers refers to "inquiry" with a jurisprudential approach. Even though these promoters may disagree on the specifics of method, they all agree that law education provides a vehicle to achieve the desired outcome of a process-oriented person. This person is one who has developed the cognitive and affective skills to cut through issues, personal and public, reach conclusions, and be able to rationally justify them.

It is important, therefore, to understand why the desire for creating process-oriented persons is a causative factor for promoting law-related education. If the promoters of this goal were attempting to put a method to content material, then it would be a question of how to teach law. They, however, see law-related content as possessing a context that provides meaningful experiences for creating truly process-oriented persons.

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[35] Newmann, p.6.
[36] White, Law-Related Education in America, p.5.
[37] Isidore Starr, "Reflections on Law Studies in the Schools Toady," Relections on Law-Related Education, ed. Susan Davison (Chicago: ABA's YEFC, 1973), p. 15.
[38] Quigley, p. 27.
[39] Summers, Et al., American Legal System, p. 2

THE "WHAT" QUESTION

Before elaborating on the second hypothesis it appears worthwhile to re-establish the focus of this paper. Our first hypothesis involved the reasons why law-related education had attracted nationwide attention. Multiple reasons were discovered and while promoters were justifying why have law-related education they either clearly or indirectly revealed their philosophical or theoretical basis. The second hypothesis concerning the "what" postulated that the philosophical or theoretical basis of the promoters predetermines the types of behaviour youth is to exhibit as a result of implementation of law education in the schools. Because the philosophies and theories espoused by law-related education promoters are varied, desired student outcomes are also diverse.

R. F. Butts' thuory on civic education promotion will be used as a means of categorizing the philosophies and theories of law-related education promoters.[40] Butts suggests that support for civic education accelerates under two radically different types of social situations, but with both illustrating the need for social cohesion and unity. The first type of social situation is when "liberal reformers" are responding in a time of crisis. They see a need to mobilize disparate groups to move forward to a higher form of social integration. Butts cites the Revolutionary era, the Progressive era, the New Deal, and the Great Society as examples of liberal reformers at work. Under the second set of circumstances, the "conservatives" promote civic education when they perceive the need to rally around their version of the American way of life and to stave off threats from alien sources, as in periods

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[40] R. F. Butts, "Historical Perspective on Civic Education in the United States," In National Task Force on Citizenship Education, Education for Responsible Citizenship. (New York: McGraw-Hill, 1977).

of massive immigration, militant radical movements, world war, or cold war.

Newmann, agreeing with Butts' theory, suggests that the present drive for civic education is being promoted by both the liberal reformers and the conservatives. He raises the significant issue of whether or not this promotion from two contradictory forces will lead to a destructive collision or result in a unified effort to deal constructively with common sources of disillusionment.[41]

Law-related education promoters fall rather clearly into Butts' two categories of liberal reformers and conservatives, as well as into Newmann's appraisal of simultaneous involvement. The whole promotion of law-related education through LEAA has to be placed in the conservative camp. The American way of life does indeed appear genuinely threatened by the proliferating crime and juvenile delinquency. The source, however, is not alien, but appears to be within our society. As Marguerite Michaels pointed out recently, American youth is out of control. Parents, the church, and the community have ceased to play significant roles in the lives of youth and this situation appears to mean that the last salvation or barrier protecting society from its youth is the schools.[42]

The liberal reformers see more at hand than just the anti-social behaviour of American citizens. They are concerned with a series of problems that constitute a social crisis: disrespect for the law, apathy, social disillusionment, corrupt public officials, environmental problems, and the gap between the rich and the poor. Law taught in a

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[41] Newmann, p.3.

[42] Marguerite Michaels, "Our Nation's Teachers Are Taking a Beating," Washington Post Parade, February 26, 1978, pp.6-7.

broad sense encompasses all of these problems and the law, its processes, and the legal system hold out the opportunity for solving these ills. Included in this camp would be such law-related education promoters as Paul Freund and Isidore Starr.

From the wide range of law-related articles surveyed, the liberal reformers and conservatives' divergent philosophical or theoretical basis can be examined around four areas. The areas are: (1) the role of knowledge and understanding, (2) the role of the school, (3) the involvement of community, and (4) the role of citizenship education in a democracy.

The conservatives wholeheartedly support the law-related education programs designed to promote knowledge and understanding as the main emphasis, while the liberal reformers would identify these as insufficient. Conservatives believe that the knowledge and understanding involved in law-related education will produce citizens who will not engage in anti-social behaviour. Stephen Kahn illustrates this point when he claims an individual cannot respect something he does not understand. Thus, if one knows and understands the purposes of law, one will respect it.[43]

M. Donald Thomas, Superintendent of Schools, Salt Lake City, proposes that people who understand the law will support legal processes, as well as develop faith in the law. If knowledge and understanding of the law are grasped by the student he will use these to solve personal problems and problems of society, rather than becoming angry and violent. By-products of this endeavor will be reductions in petty crimes, vandalism, juvenile delinquency, extremism, and discipline problems.[44]

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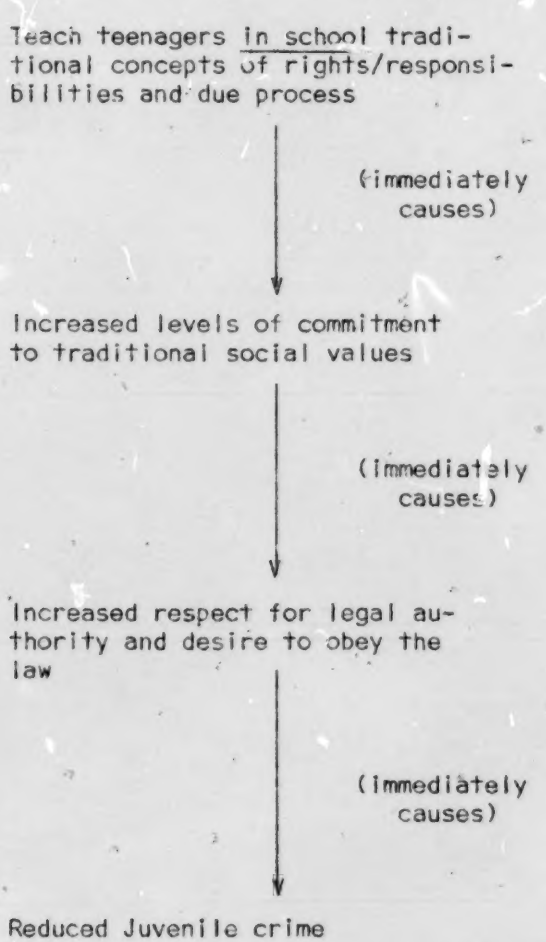
[43] Stephen Kahn, "Its Time to Teach Jurisprudence in High School," Social Studies, LXVI (Jan-Feb.1975) pp. 3-6.

[44] M. Donald Thomas, "Comments of A Superintendent of Schools on ABA's Work," American School Board Review, CVXII (July 1975), pp.18-20.

Based on surveys YEFC conducted of LEAA agencies, the model developed from their responses clearly demonstrates the belief that knowledge and understanding will lead to acceptable behaviour. The model is reproduced below.[45]

THE MODEL


Teach teenagers in school traditional concepts of rights/responsibilities and due process
(immediately causes)
Increased levels of commitment to traditional social values
(immediately causes)
Increased respect for legal authority and desire to obey the law
(immediately causes)
Reduced Juvenile crime

[45] White, Law-Related Education in America, p. 78.

A widespread belief is that schools can teach not only citizenship, but can aid society in solving social problems. The concept is not new. The school has been used and is being used to try to solve social problems, such as venereal disease, teenage pregnancies, drug education, and rising traffic accidents and fatalities.

The use of the schools to solve social problems has been advocated by both liberal reformers and conservatives. For the conservatives, the school is seen as an indoctrinating institution for the norms and values of our society. The liberal reformers see schools as providing the means to bring about change. The difficulty with this belief in the use of the schools is the dilemma of how to deal in the affective domain. In an appraisal of twenty-six national social studies projects, Norris Sanders and Marlin Tanck noted that "educators know even less about teaching attitudes and feelings than they do about subject matter.... The affective domain should be one of our prime frontiers."[46]

The gap in our knowledge of how to teach attitudes may have led some to doubt formal education as a means to effect change. The General Assembly of Maryland, in its recent 1978 session, seriously considered changing the law supporting public school instruction for prospective young drivers. Elizabeth Smith, Delegate from the 33rd District, said there was no evidence that driver's education programs in the state had improved the driving habits of young people.[47]

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[46]Norris Sanders and Marlin Tanck, "A Critical Appraisal of Twenty-Six Social Studies Projects," Social Education, XXXIV (April, 1970), p.448.

[47]Presentation by Delegate Smith, South River High School, Fall, 1977.

Serious issues arise when a school system attempts to become involved with areas that were once left to informal education in the home and the church. Charges of political or religious indoctrination against the school could arise. By attempting to change attitudes, the school may adversely be affecting areas of self-development.[48] Paul Freund points out that if problems are presented to the students at the wrong stage of development, the school could be creating citizens who see the problem, but lacking the understanding or the maturity to deal with it, become cynical instead of enlightened.[49]

Newmann raises a very practical point on the ability of schools to educate in the general area of civic education. He sees non-school agencies, such as mass media, peer groups, family norms, and corporate institutions, having such overwhelming influence on students as to either nullify the work of schools, or if consistent with the school's effort, to render the school's work unnecessary. If Newmann is correct it appears that the basic assumption of the school's ability to effect change, whether it be for liberal reformers or conservatives' goals, needs serious examination.[50]

The third area is the roles of the community and lawyers in law-related education programs in the schools. A number of very different beliefs exist. LEAA believes that law-enforcement groups have the capacity to "define and initiate the appropriate programs". The

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[48] White, Law-Related Education in America, p.62

[49] Paul Freund, Law in the Schools: Goals and Methods," Social Education , XXXVII (May 1973), p. 366.

[50] Newmann, p. 25

[51] White, Ibid. p. 79

educator's role is reduced to following instructions and effectively influencing adolescent values and behaviour.[51] If the program development is left to law enforcement agencies who are involved in fighting crime, then the end result will be a program designed to reduce anti-social behaviour.

The Constitutional Rights Foundation (CRF) includes as part of their educational philosophy the cooperative participation of outside agencies, but visualizes the role differently than LEAA. CRF holds the belief that direct interaction of students with adults who administer law and justice will not only increase students' cognitive understanding of the legal system and American values, but will improve personal attitudes toward authority figures in law enforcement.[52]

Not surprisingly, the American Bar Association emphasizes the role the lawyer must play in law-related education. John Pittenger infers that the best teacher with the brightest students and the most brilliant text could not bring into focus the complexities and subtleties of legal thought. Pittenger maintains that an effective law program requires that the lawyer come into the classroom and teach.[53] Earl Morris, past chairman of ABA's YEFC, concurs with Pittenger that the lawyer is essential in helping the teacher develop the teaching of analytical skills.[54] From a theoretical basis, the lawyer is essential in order to establish the structure of the discipline of law.[55] ABA argues vehemently, however, that their goal is not to produce mini-

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[52] Clark, p. 33.
[53] Pittenger, p. 6.
[54] Morris, p. 3.
[55] Structure of the discipline is used here as defined by Jerome Bruner in The Process of Education.

lawyers by teaching knowledge of the law.[56] Yet implied, though not stated, is the desire to produce mini-lawyers in terms of the thinking process.

Granting that lawyers are necessary for program development, there remains the question of the larger local community's involvement in law-related education. The belief that education should serve local needs is a long established precedent. The community would tend to see law-related education in a narrow perspective for correcting rising juvenile delinquency rates, school suspensions and drug abuses. A community-directed project runs the risk of developing students who do not understand law's broad role in society nor their role in the legal process.

A philosophical principle that both liberal reformers and conservatives subscribe to is that a democracy depends on an enlightened and responsible citizenry. This idea is seen in the writings of such men as Montesquieu and Thomas Jefferson.[57] The need, then, is to develop individuals who are self-governing and willing to actively control the institutions that have grown out of the concept of self-government.

The proponents of law-related education argue that law provides one of the best tools available to develop citizenship. Law contains the basic concepts that are essential to a rational society - fairness, honesty, tolerance, and responsibility.[58] Law also presents an intellectually stimulating introduction to a complex range of activities,

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[56] Starr, p. 13

[57] Quigley, p. 26.

[58] Joel F.Henning, "Law-Related Education: What Works and What Doesn't," Reflections on Law-Related Education. ed. Susan Davison (Chicago: ABA's YEFC, 1973), p. 10.

skills, and attitudes necessary to a citizen's understanding of his relationship to the state and other citizens. Law-related education can provide students with opportunities to think, weigh evidence, consider agruments, consult precedent, and come to reasoned conclusions in a context deeply involved with the meaning and obligations of citizenship.[59] At the very least, law-related education should produce students with questioning minds incompatible with autocratic rule.[60]

The problem separating the liberal reformers and conservatives is their definitions of "enlightened" and "responsible". This problem is the heart of the "what" issue of law-related education. The differences in definition arise back in the "why" question in terms of anti-social behaviour, citizenship education, and the need for process-oriented persons. These differences anticipate the "how" section in terms of what law-related education materials will include. The disagreement goes squarely to the outcome of the whole law-related education endeavor in terms of what type of student development is anticipated as the result of law-related education.

Writers on law-related education are frequently lawyers and it is often difficult to translate what they suggest over into educational terms involving learning theory and developmental stages. However, if the full spectrum of law-related education is to be understood, this must be accomplished.

Conservatives,as previously indicated, would interpret knowledge and understanding as "enlightened" and "responsible" when education produces a person who adheres to the traditional norms and values of

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[59]Richard Maxwell, Et al., "Law Studies in the School," Journal of Legal Education. XXVII (Fall, 1975), p. 159.

[60]Henning, p. 6.

American society. They assume the right of society to inculcate its youth with whatever values the society cherishes. This philosophy is within the Thorndike tradition, which views cognitive education as a matter of instruction, and behavioral learning and moral education as a matter of transmitting culturally accepted values and behaviour. Utilizing either Piaget's cognitive development stages or Bloom's taxonomy built on Piaget, the model depicted on page 18 indicates the student will operate within the concrete realm and not above the application level of knowledge. The model for teaching would be stimulus-response, learning is direct and not the result of any conscious mechanism such as thinking or reasoning.[61] Implicit in Thorndike tradition is the philosophical attitude that the worth of man is less than ideal and individuals must be trained to proper behaviour.

Moving to the other end of the spectrum, occupied by liberal reformers, is found the group of law-related education promoters that have been identified as advocating the need for process-oriented persons. These liberal reformers fall within the Dewey tradition that education should supply the conditions for development through sequential cognitive and moral stages.[62]

Paul Freund is heavily relied upon for advocating law-related education as a means of developing process-oriented students. Freund describes seven types of thinking which are part of legal reasoning: dialetical thinking, contextual thinking, ethical thinking, genetic

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[61] B. F. Hergenholn, An Introduction to Theories of Learning. (Englewoods Cliffs: Prentice-Hall, Inc., 1976). p. 66.

[62] Lawrence Kohlberg, "Moral Development and the New Social Studies," Social Education, XXXVII (May, 1973), p. 369.

thinking, associative thinking, institutional thinking, and self-critical thinking.[63]

To accomplish all seven types of thinking a student must be at Piaget's abstract, reflective stage and capable of completing formal operations. Legal reasoning, as outlined by Freund, would encompass all of Bloom's taxonomy. The learning theory model for this group would be in the Gestalt tradition, which suggests learning is not direct, but the organism adds something not contained in the stimuli.[64]

The area which clearly delineates the liberal reformers from others is the emphasis on moral reasoning. Freund describes the law as "...a quarry of moral problems."[65] Kohlberg says "...the marriage of moral discussion and the law is natural."[66] Starr, in describing value conflicts in law, states the conflicts "...are usually between a good value and a good value...."[67] This group of reformers assumes the right of society to teach values in an intellectually open and honest rational approach, that will help students to see some values are preferred to others.

Freund places the development of moral reasoning as the number one goal of law-related education because moral reasoning forces students to make complex decisions and justifications. Through continuous practice in this method, students will acquire a kind of "kinesthetic sense of ethical reasoning" and problem solving techniques will become

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[63] Paul Freund, On Law and Justice. (Cambridge: Harvard University Press, 1968), pp. 110-115.
[64] Hergenholn, pp.236-7.
[65] Freund, "Law in the Schools: Goals and Methods," p. 364.
[66] Kohlberg, p. 375.
[67] Starr, p. 13.

second-hand.[68] The philosophical position of the liberal reformers is one of cautious optimism. Implicit within their position is a trust that by fully developing the minds of young people, a more civilized generation will be better prepared to cope with the complexities of modern life.

The promoters of law-related education have been described in terms of two distinct groups, the liberal reformers and the conservatives. This description was to set up end points to define a continuum. Many other law-related education promoters can be placed at various points along the continuum, depending on the degree of agreement with the end groups.

The same type of continuum applies in terms of anticipated student outcomes. Expected outcomes will vary along the continuum in much the same way as do the promoters. On the conservative end would be a student of the law and order type, while on the other would be an ethical process-oriented person, with respect for the social order as a natural by-product.

THE "HOW" QUESTION

The third section of this paper is the "how" of law-related education. The "how" involves an analysis of curriculum materials developed for implementation of law-related education, to ascertain the degree to which the materials adhere to the espoused "why" and "how". For regardless of why the bandwagon for law education got rolling, who jumped on later, or the number of words written about the philosophical

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[68] Freund, "Law in the Schools: Goals and Methods," p. 363

or theoretical positions, the main question of the third hypothesis is how are these reflected in the instructional materials.

YEFC reports that the number of law projects has grown to over three hundred at the present time.[69] This is an unwieldly number; therefore the researchers have limited themselves to national projects or projects that have been influential on the development of other projects. In addition, the materials of these projects are readily available for examination. The researchers anticipate that because of the diverse groups involved in the creation of these materials and the different time element in their creation, these materials are a representative sample of different approaches to law-related education.

A list of the materials examined and used for comparison appears below.

| Foundation/Project | Founding Year | Place | Materials with copyright date |
|---|---|---|---|
| Law in America Society Foundation | 1966 | Chicago | Justice in America Series (1970) |
| Constitutional Rights Foundation (Also, referred to as Law, Education and Participation) | 1963 | Los Angeles | Bill of Rights Newsletter (Now called Bill of Rights in Action) (1973)<br>Living Law (1978) |
| Cornell Law Project | 1968 | Ithaca | Justice and Order Through Law (1974)<br>American Legal System (1974) |
| National Street Law Institute | 1971 | Washington, D.C. | Street Law (1975) |
| Law in a Free Society | 1970 | Santa Monica | Law in a Free Society (1974-1976 released three concepts: Authority, Privacy Responsibility) |

[69] U.S. Office of Education, p. 2.

These materials will basically be analyzed chronologically. The rationale for this approach is to put the projects in perspective to each other and to what is occurring now in the movement. For the descriptions of the developed curriculums, the teacher's guides and student materials were used unless otherwise stated.

One of the first law programs developed was the Law in America Society Foundation (LIASF). The main thrust for this program was a reaction to the failure of the old civics program. The project emphasized substantive topics in teaching law. The six topics were: criminal law, juvenile law, poverty, landlord and tenant, the city and the consumer. The approach was to use inquiry and student involvement to study urban problems. The authors of the project felt the materials could be used to supplement already existing courses. The format of the books is to present short factual sections followed by a series of court decisions, many of them Supreme Court decisions. At the end of each section are a series of open-ended questions that deal with student reactions. The rationale behind this format is to motivate students to operate at the higher levels of the cognitive domain. The authors of the project realized the unfamiliarity of teachers with the inquiry approach. The teacher's guide addresses the what and how of inquiry. The guide outlines the types of questions that will arouse thinking on the part of the students. The guide, however, does not provide answers to questions or individual lesson plans as do some of the later projects.

An organization older than LIASF, the Constitutional Rights Foundation's main focus is to design materials to supplement the teaching of

the Bill of Rights and the Constitution. Presently, the Foundation publishes the Bill of Rights in Action four times a year. Centering around a particular area as race or juvenile law; each issue includes surveys, articles, interviews, simulation activities, and review of recent court cases. The Foundation has also developed a number of simulation games. Much of the material developed by the CRF has been incorporated into other courses.[70]

At the present time the CRF is working with Scholastic Publishers on developing a year course called Living Law. The first part of the course, Criminal Justice, has already been developed with the second part, Civil Justice, to be released shortly. Because the material is aimed at the poor reader, reading sections in Criminal Law are short and many are written in a story form to promote high interest. The purposes of the sections are for the students to acquire knowledge and to promote discussion. Tests included in the teacher's guide reflect the lower cognitive levels. Skills such as graph reading are also emphasized and tested.

The teacher's guide contains a step by step lesson plan with ways to approach the lesson, questions for discussion, and follow-up activities. Many of the activities are aimed at active student participation such as role-playing, simulation, and peer teaching. The guide suggest the use of outside resource persons, but strongly urges this be part of the larger classroom experience.

The preparation of Living Law was aided by a grant from LEAA. The use of LEAA funds may explain the shift on the part of the CRF

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[70] Maxwell, Et al., p. 162

from a more conflict, moral dilemma education found in their Bill of Rights in Action to more emphasis on knowledge acquisition.

The Living Law series reflects the current trend to develop law materials for poor readers. This present trend may be in part a reaction against earlier projects which were predominantly aimed at advanced students. An example of the earlier type project is the Ginn series,[71] developed in conjunction with the Cornell Law School, which offers two series: Justice and Order Through Law for junior high students and The American Legal System for senior high students.

Each series contain five paper-back booklets. The unit booklets are designed for three weeks of instruction and can be used individually in existing courses or can be used consecutively to constitute a semester course. As a semester course, however, the project tends to presuppose a working knowledge of American government. Every unit booklet consists of four to six chapters, each of which develop a key theme of the program. Themes included in each series are: (1) law is a social necessity, (2) law provides a set of social tools that may be used affirmatively to improve the quality of social life, (3) citizen has vital roles in the healthy functioning of a legal system, (4) law helps society perform a variety of important tasks, (5) legal system's workings must be continuously appraised and reappraised in light of such ideals as justice, liberty, and welfare, and (6) law is limited in what it can do. These themes constitutes what the project producers call a "jurisprudential approach", because the approach teaches law in the broadest sense of the word. These themes or generalizations

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[71] Susan E. Davison, "Curriculum Materials and Resources for Law-Related Education," Social Education, XXXXI (March, 1977), p.188.

are developed around basic legal and social science concepts. The understanding of the concepts is developed through factual material.

The method of instruction is inquiry, with discussion as the potential core of each lesson. The materials are designed to permit students to discover legal principles, characteristics of legal techniques and social values which laws are designed to advance and protect. Thus, the series encompasses both the cognitive and affective domains.

Case studies are a primary instructional tool with appropriate factual and open-ended questions at the end of short reading sections. The authors of the materials, however, warn teachers that any method of instruction over-used begins to defeat its purpose. They recommend that teachers vary the inquiry method to suit their own purposes. Alternative activities are suggested and teachers are encouraged to give short lectures, give the questions as homework, change or eliminate some questions, use role playing skits, speakers, movies, field trips and old-fashioned drill.

The teacher's guide provides day by day lesson plans for teaching the unit booklets. It suggests procedures with alternative activities, and provides answers to text questions. The guide also includes several worksheets and evaluation units for each booklet. The evaluation units test primarily at the application level. Project developers feel that no special legal training is necessary for teachers, but do suggest resources the teacher can pursue to enrich his own background as well as provide a file for students. The guide recommends the use

of outside speakers or student interviews of law-related officials after the area in which the individual operates has been studied and developed in class.

Another project growing out of a law-school's involvement is the National Street Law Project. Developed originally by Georgetown University Law Center for the Washington, D.C. public schools, the course stresses practical law. The materials focus around such topics as legal process, criminal law, consumer law family law, housing law, individual rights, and environmental law. Each section contains an explanation followed by "problems", which are case studies.

The teacher's guide provides answers to all questions posed to students plus additional explanation. This in-depth explanation is a bonus for teachers who feel they have an inadequate background in knowledge of the law. Tests are provided at the end of each chapter. The content of the tests is aimed at the lower levels of knowledge with most dealing with straight recall or application.

The project describes its methodology as "inquiry-activity". By having students use the case study approach, the developers of Street Law believe students acquire knowledge that will help improve their lives. In terms of activities, there are two unique ways the project attempts to motivate student involvement. The first is the publishing of a monthly bulletin written by students, which includes articles, surveys, and cartoons. The second method is mock trials, which all projects suggest as a useful technique, but none with the strong emphasis it receives in Street Law. A mock trial is given at the end of every chapter of the text. In addition, the National Street

Institute sponsors a Washington-wide mock trial competition every year between the high schools.

A major complaint that liberal reformers could lodge against Street Law is the emphasis on creating mini-lawyers. Beside the heavy use of mock trials, there are over one-hundred-fifty cases that are typical of the ones a lawyer could encounter. Of the five projects analyzed Street Law is the only one to list as an objective the exposure of youth to a variety of law-enforcement careers. The project stresses the use of outside persons and field trips. A unique facet of the project is that an interracial team of two law students from Georgetown University is assigned to each Washington, D.C. school that teaches Street Law. [72]

Law in a Free Society (LIFS) departs from the textbook oriented approach of the previous four projects. Using a conceptual framework, this project is developing their program around eight concepts considered essential to understanding political systems: freedom, diversity, justice, privacy, participation, responsibility, authority, and property. The program is not developed as a separate course, but through an interdisciplinary approach, is designed for embedding in existing curriculum at the elementary level and into existing courses at the secondary level. LIFS is designed particularly for civic education programs. The claims of the program thus far are that the materials can be used with every type of student, of all ability levels and all geographic settings.

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[72] Maxwell, Et al., p. 163.

Each of the eight concepts is to be developed into six multimedia instructional modules providing instruction for students, kindergarten through twelfth grade. The modules progress sequentially in scope and complexity of treatment of the concepts, as well as in terms of the skills taught and the contexts for student inquiry. Each module contains four sound filmstrips with cassettes, student resource books and a teacher's edition containing an evaluation component.

The filmstrip introduces the concept and the student materials in the resource book are designed to reenforce and extend the learnings initiated by the filmstrip. Short readings and topical questions are developed. The overall method of the program is inquiry with the mechanics of teaching this process being provided mainly through guided discussions and role-playing. The materials are developed to bring about an analysis of conflicts, legal and political problems, and evaluation of alternatives with attention to underlying values. The experiences presented in the material are designed to invoke deliberative and reflective responses to social, legal, and political problems.

The teacher's guide to each module provides a day by day lesson plan with a step-by-step procedure. The guide provides alternative methods of instruction as well as instructions for role-playing exercises, such as court trials, Supreme Court hearings, mediation hearings, and legislative debates. It includes examples of possible student responses to questions, as well as an evaluation component at the end of each unit. The evaluation is a compromise between attempting to test the higher levels of knowledge and the easier to score lower cognitive levels.

Since the materials are being produced by the project, not commercially, revisions should be easily made. Thus far modules on privacy, authority, and responsibility are available, with the materials of an additional concept being available every six to eight months.

Many of the problems alluded to in the "what" section clearly surface in the analysis of law-related education materials. An outstanding problem is the teaching of attitudes. In surveys conducted of the projects in their directory YEFC found that when requested to list their three most important objectives, over seventy-eight percent of the projects listed "appreciation and respect of the legal system" as one of the three.[73]

The conviction that attitudes are formed at an early age is the fundamental reason for LIFS developing a K-12 program.[74] Yet, the other four projects analyzed were designed for secondary students. YEFC reports this as a nationwide trend.[75] If indeed attitude formation occurs early, then a positive improvement in the attitudes of youth towards law must begin at the earlier ages.

In the projects outlined here the emphasis on the role of the outside speaker varied from little mention in Justice in America to being an essential part of the program Street Law. The utilization of outside resource people in the classroom can present a new set of problems. If the outside resource is not used as part of the larger

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[73] White, Law-Related Education in America, p. 107.
[74] Pamphlet by Law in A Free Society, Santa Monica, p. 4.
[75] White, Ibid., p. 90.

learning experience, the risk is present that both the speaker's, students', and teacher's time are wasted. It is frequently recommended that members of the bar participate in the classroom. Randall M. Chastain points out that this is both a "boon" and a "bone". The "boon" for teachers is that as a result of Watergate, lawyers are increasingly willing to come into the classroom. The "bone" is that without proper teacher guidance the lawyer could come into the classroom and act as a salesman for his profession.[76] John Pittenger warns that without proper guidance from teachers, lawyers can end up giving an intimitating lecture on "why you better not break the law or else."[77]

Many projects recommend field trips to the courts. However, this learning experience runs the risk of being interesting, but wasteful of time if not used as part of the curriculum. Paul Freund proposes that unless the court trip involves certain kinds of students' inquiry, they might as well be going to the zoo.[78]

An additional and crucial problem is teacher training. Projects, such as Law in a Free Society, Law in American Society, and Street Law have provided teacher training workshops. The purposes of these workshops were to familiarize the teacher with the materials and method, and to make revisions in the materials. Although some of the projects still offer teacher training, particularly around their headquarters, the projects evidently assume that teachers can use their materials without

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[76] Randall M. Chastain, "Law in the School Curriculum," Educational Horizon. LIX (Fall, 1975) p. 34.

[77] Pittenger, p. 6.

[78] Freund, "Law in the Schools: Goals and Methods," p. 363.

formal training since they are made available to any school system for purchase without any stipulations or special training. Distribution of materials in this manner appears to conflict with YEFC's survey of teachers, which pointed out that the two most often mentioned problem areas for teachers are lack of knowledge of law and lack of confidence in teaching it.[79]

Part of the explanation for these teacher-perceived problems is that there has existed in our society an almost mystic aura surrounding law as a discipline. Teachers do not feel the skills and knowledge of a politician are necessary to the teaching of American Government, but do feel a lawyer is necessary in the teaching of law-related education. Earl Morris feels that part of the blame for the ignorance of laypersons concerning law lies with the legal profession, which has presented law "...as a highly complex and technical maze...."[80]

When David Naylor concludes that teacher training is essential to the success of law-related education, he is taking about generating competency in the teaching of law; not in the sense of making teachers mini-lawyers, but in the sense of helping teachers overcome their phobia about law.[81] The teacher, competent in the teaching of law, will understand law as a broad social force that affects not only daily living,but the very threads of a democratic society.

The failure of some law project promoters to develop law along a broad perspective has also hindered teacher education. Projects

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[79]White, Law-Related Education in America, p.113
[80]Morris, p. 2.
[81]Naylor, pp. 5-7.

that grew out of LEAA funding tended to emphasize the narrow criminal aspect of law. This emphasis was reflected in teacher workshops and conferences. For example, in Maryland the vast majority of the topics at law-related conferences have been devoted to criminal or juvenile delinquency problems. This only reenforces the trend for teachers to have a narrow perspective of law. In general, the use of law-related education teacher conferences and workshops needs examination and evaluation. YEFC suggests that only one percent of the teachers in law-related education have received adequate training.[82] Naylor proposes that the training of teachers in law-related education must be done in the pre-service training of prospective teachers. Teacher training institutions hold the key to effective teacher programs, and an effective school program as well.[83]

An effective school program is broader than law content. The teaching method is crucial. The method advocated by the five projects analyzed is inquiry. Except for Justice in America all projects presuppose that the teacher has an understanding of inquiry as a process, of learning theories, and both cognitive and affective taxonomies. This supposition may well have been responsible for Project Social Studies failing at the classroom level, and the same failure could be repeated in law-related education.

Clarification on the inquiry method appears necessary as it relates directly to the creation of the process-oriented person. The inquiry method can be utilized in two ways. The first utilized is inquiry developed to lead students through the steps the process to answers

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[82] White, Law-Related Education in America, p.66.
[83] Naylor, pp.6-7.

already worked out by material developers. This method for teaching content was employed by most of the Social Studies Projects of the 1960's. The other type of inquiry carries with it open-mindedness and open-endedness. It includes not only thinking in terms of the first method of inquiry suggested above, but also critical thinking, intuitive thinking, and creative thinking.[84] This type of inquiry would seek to aid students in bringing their cognitive and affective domains into closer harmony. The emphasis is on methodology, shifting more from what is learned to how it is learned.

The question arises, whether law-related education materials employ the first or second type of inquiry. The analysis of the five projects indicates that they belong largely in the first type of inquiry with the exceptions of the LIFS materials and Ginn series, which have characteristics of the second category.

The projects fall far short of the ideal for the development of process-oriented persons. Yet in the vein of Freund and Kohlberg, it is erroneous to think that law-related education cannot provide one context for development of the process-oriented person. Hunt and Metcalf point out vividly that to begin reflective thinking the learner has to perceive the material as relevant to himself.[85] Law, by its very nature, is abundant with opportunities to create disjuncture for young learners and send them probing for evidence, seeking clarification of their own values and the values of others, and attempting to reach

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[84] John D. Haas and Richard Van Scotter, "The Processes of Inquiry," Synergy, II (Fall 1977), p. 12.

[85] Maurice P. Hunt and Lawrence E. Metcalf. Teaching High School Social Studies. (New York: Harper and Row, 1968), pp. 170-2.

rational conclusions that they are willing and able to defend. This open-ended method carries with it an implicit trust in the goodness of man. The right answers have not been given, but the hope is present that the student will reach the conclusions that American society has attempted something unique to civilization in its concept of self-governing man. The hope is present that the individual will jealously guard his rights and untiringly assume his responsibilities in order to improve the social environment and relations between men.

The original hypothesis of the "how" dealt with whether or not the materials developed reflected the motivations of the "why" and the philosophical and theoretical bases of the "what". As has been emphasized, the outcome in terms of student development is predetermined by the philosophies and theories.

Since the researchers did not find a common motivating factor, nor a common philosophical base, it logically follows that material must also fall along a wide spectrum. In order to show the relationship between the three, the chart below summarizes the "how" in relationship to the "why" and the "what".(Chart appears on next page.)

As the chart demonstrates the projects analyzed fall between the ends of the spectrum. They tend to stress law content and law concepts more than processes. YEFC's surveys of other projects supports these findings. The item listed most frequently as the one important objective of their respective projects was increased knowledge, followed closely by appreciation and respect of the legal system.[86]

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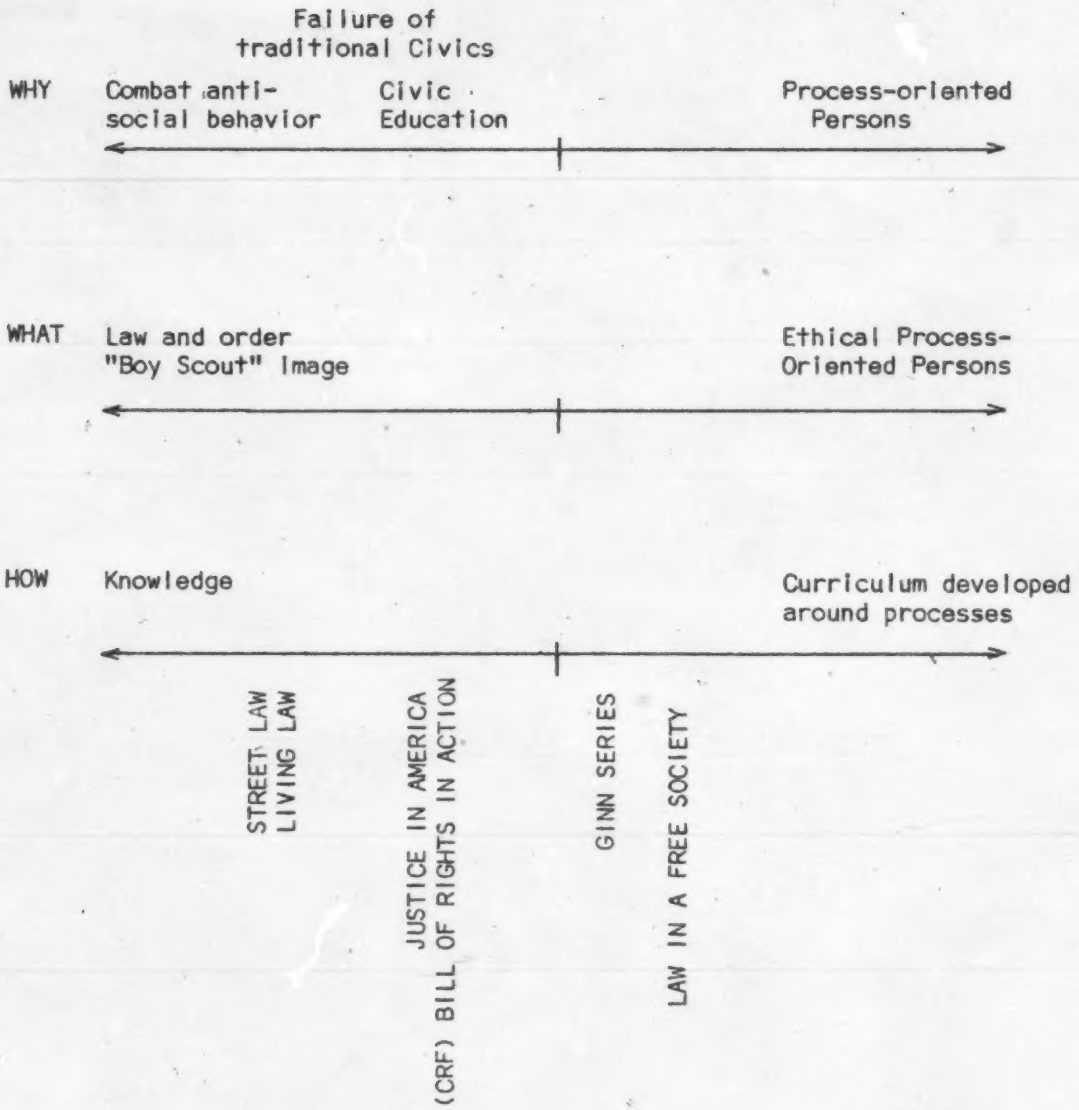
[86]White, Law-Related Education in America, p. 107

COMPARISON CHART



It can be concluded from the chart that the materials, though diverse, do reflect the "why" and "what" of their respective promoters. The projects that were heavily funded by LEAA as Street Law and the Living Law series, reflect the model of LEAA's approach to education as mentioned on page 18. Other projects, not involved as heavily in LEAA funds, tend to attract more liberal reformers as Isidore Starr with Justice in America series and Charles Quigley with Law in a Free Society. At the present time Law in a Free Society plans to field test the materials developed for the remaining concepts of their program at the Center for Moral Development at Harvard University. This should provide additional information on how well a program can affect moral reasoning and values.[87]

CONCLUSIONS

The researchers began this paper with a set of hypotheses concerning law-related education. The first hypothesis stating there was a common underlying motivation behind the thrust for law education was not supported. Instead four broad causative factors were discerned: (1) the anti-social behaviour of American citizens, (2) the failure of traditional civics programs in the schools, (3) the revitalization of civic education, and (4) the need for process-oriented persons. The only motivating factor that approaches commonality among the law-related education promoters is the failure of the traditional programs.

The second hypothesis held there was a common theoretical or philosophical base that predetermined the expected student outcome. The research did not support this hypothesis. Instead it became immediately apparent that there is no agreement on the type of student

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[87]Quigley, p. 29.

desirable for our society. The law-related education promoters distributed along a continuum from conservative to liberal reformers. Conservatives desire that knowledge, understanding, and traditional values be the focal points of law-related education so that the student will support the system as it has been. The liberal reformers are more concerned with how students learn than what they learn. Values are to be persuasively presented, not inculcated. The student outcome would be a process-oriented person prepared to help his society make necessary changes and improvements.

The third hypothesis stated the materials developed for law-related education implementation would reflect the motivations and the philosophies and/or theories of their promoters. This hypothesis appears to be supported. The material examined reflected both the motivating force and the philosophy and/or theory held by the promoters. It was also concluded that the materials developed in law education are distributed along a spectrum. For a comparison of the materials analyzed in this research, see the chart on page 41.

Although this research has attempted to cut across the broad law-related education movement and to look at important related issues, there remain questions that cannot be answered at this time. Future researchers and those involved in law-related education should find answers to these questions valuable.

One problem area is adequate teacher training, which is crucial if law-related education is not to go by the wayside. Evaluation of the law-related teacher education workshop method of training present classroom teachers should be conducted. Some colleges of education

have established law-related education programs. Concerning this development, questions arise as to: (1) how widespread is this endeavor? (2) is law-related education considered as a separate department or is it part of the Social Studies teacher preparation?, and (3) considering the lack of teacher openings, should the emphasis be on pre-service training or on attracting classroom teachers back to the colleges for this training?

The relationship of law-related education with on-going movements in education needs to be determined. Further inquiry into law-related education's future relationship with citizenship education is of specific relevance at this point. One possibility is the de-emphasis of law-related education to prevent further fragmentation of citizenship education. There is also the distinct possibility that law-related education will be subsumed under this broader movement. On the other had, if law disassociates itself from the citizenship movement it runs the risk of becoming one more content area in the social studies. At present, there appears to exist a working relationship as exhibited by the many law projects that are involved in citizenship conferences.

Determining how law-related education is to be integrated into the curriculum is another problem area. The Office of Education points out in their report that at this time law-related education has not been integrated, and it is thought of as an interest area. That this may be changing is evidenced by the fact that the Maryland State Department of Education has included knowledge of law and the legal system as part of its competency based education.[88]

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[88] U.S. Office of Education, p. 9.

Evaluation of a program is essential to determine its effectiveness. Law-related education programs, in general, have had little rigorous evaluation. YEFC surveys reveal that fifty percent of the LEAA agencies have no means to evaluate programs they had funded.[89] Maxwell, Hennings, and White point out that too much evaluation is being done by persons involved in the programs.[90] More outside evaluation needs to be done, especially in the area of the relationship of curriculum materials to developmental cognitive and affective stages. The Kohlberg studies at the Harvard Moral Development Center indicate only fifty-three percent of middle-class sixteen-to eighteen-year olds are fully capable of formal operational thought.[91] If further research supports these findings, creating process-oriented persons will be a difficult task.

A final problem area is the whole issue of the federal government's involvement in law-related education. As pointed out earlier, the major funding for law-related education at the federal level has come through LEAA. Education has become big business and educators are induced to undertake endeavors where money is available. The funding thrust of LEAA has clearly established the emphasis of many of the state projects and some of the national projects. Recently, President Carter admonished LEAA for failing to curb anti-social behaviour and ordered a revamping of the agency. This reorganization needs to be closely watched as it could result in funding cuts in law-

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[89] White, Law-Related Education in America. p. 41.
[90] Maxwell, Et al., p. 165.
[91] Kohlberg, p. 372.

related education, add to it significantly, or take an entirely new approach in the field.

The federal government, through the Office of Education (OE) foresees the need to consider law in its broader context. This should lead to de-emphasis on criminal and juvenile law, and the Bill of Rights. The Study Group established by OE has recommended that their agency take an initiative in law-related education, either alone or as part of a broader initiative in citizenship education.[92] OE, through the Special Projects Act, already has authority to begin such an endeavor. It is possible, however, that Congress may specifically mandate this responsibility to OE.

The roles that OE and LEAA take in law-related education in the future will have significant impact. The researchers hope that before OE undertakes support for law-related education and while LEAA is being revamped, some thorough research and thought be devoted to the whole issue of funding. Much of the funding in the past has been in terms of national projects or large state projects. Consideration should be given to development of local projects, operating under a nationally developed rationale. Under LEAA, funds have been used primarily to initiate programs, but there remains the problems of expansion and further development of the program. This is particularly true in terms of teacher training.

Law-related education is at a very crucial stage of development. It has grown exceedingly fast in the last ten years, and with this has arisen a number of growing pains. What law-related education needs now is the development of a thorough-going rationale to give the

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[92] U. S. Office of Education, p. 11.

movement cohesion. It will require the playing out of time to see if involvement of liberal reformers and conservatives, coming from such diverse positions, can simultaneously be involved in the movement and aid in the development of a comprehensive rationale. Aiding the development of this rationale might be the greatest service OE could render law-related education.

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